

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSE MANUAL HENRIQUEZ and JOSE HECTOR
FUENTES, on behalf of themselves and similarly
situated employees,

Plaintiffs,

CASE No.
12-CV-6233 (ADS)(GRB)

-against-

KELCO LANDSCAPING, INC., KELCO LANDSCAPING
CORP., ELM GENERAL CONSTRUCTION CORP.,
KELLY'S CREW, JOHN KELLY and JOSEPH
PROVENZANO,

DEFENDANT(S)
RESPONSE TO
PLAINTIFF'S
FIRST DOCUMENT
REQUEST

Defendants.
-----X

Defendant(s), KELCO LANDSCAPING, INC., ELM GENERAL CONSTRUCTION
CORP., JOHN KELLY and JOSEPH PROVENZANO (the "Defendants"), by and
through their attorneys, HANKIN & MAZEL, P.L.L.C., as and for their Response to
Plaintiff's First Document Request, states as follows:

GENERAL OBJECTIONS

Defendant(s) submit the following general objections which apply to each and
every one of plaintiff's document request(s):

- (A) Defendant(s) reserve the right to challenge the competency, relevance
and admissibility, at trial or any subsequent proceeding, in this or any
other action, of any statement made or information provided in response
to plaintiff's document demand.
- (B) Defendant(s) object to plaintiff's document requests insofar as they seek
to impose upon defendant(s) obligations greater than those required by
the Federal Rules of Civil Procedure ("FRCP").
- (C) Defendant(s) object to plaintiff's document requests insofar as they are
directed to or made on behalf of entities or persons who are not parties to
this litigation.
- (D) Defendant(s) object to plaintiff's document requests insofar as they
attempt to elicit protected documents or information subject to attorney-
client privilege; the work product doctrine; the confidentiality of documents

containing the impressions, conclusions, opinions, legal research or theories of the defendant(s) or their attorneys; or, seek materials prepared in anticipation of litigation.

- (E) Defendant(s) object to plaintiff's document requests insofar as they seek documents or information not within the possession, custody or control of the defendant(s).
- (F) Defendant(s) object to plaintiff's document requests insofar as they seek documents or information, which is within plaintiff's exclusive custody, control and possession, or, to which plaintiff has equal access.
- (G) Defendant(s) object to plaintiff's document requests insofar as they are vague, ambiguous, overbroad, unduly burdensome, oppressive or vexatious and seek documents and/or information outside the scope of permissible discovery pursuant to the FRCP.
- (H) Defendant(s) object to plaintiff's document requests insofar as they are unlimited in time or otherwise not limited to a time frame relevant to this litigation on the grounds that each such document requests are overbroad and unduly burdensome and seeks information and/or documents neither relevant to the subject matter of the litigation, nor reasonably calculated to lead to the discovery of admissible evidence.
- (I) Defendant(s) object to plaintiff's document requests insofar as they seek the disclosure of confidential and/or proprietary information, documents or responses.
- (J) Defendant objects to the production of documents by the defendant Kelco Landscaping Inc., who did not employ the plaintiff's nor anyone similarly situated.

GENERAL STATEMENT

Defendant(s) have based their objections and responses to plaintiff's document requests on information currently available to defendant and reserves the right to amend these objections and responses to include information and documents which may be obtained through ongoing discovery and investigation in accordance with the FRCP. Defendant(s) reserve the right to supplement, amend or correct their responses in the event of the development or availability of additional, responsive, non-privileged information to the extent such supplementation, correction or amendment is warranted pursuant to the FRCP. The foregoing general objections, are incorporated by reference within each of the following responses and objections.

DEFINITIONS

1. As used herein, objections containing the phrase “seeks the discovery of irrelevant information and documents” or words to that effect means that the document request seeks information or documents (1) have no tendency to make the existence of any fact or consequence to the determination of the instant case more or less probable than it would be without such information or documents; and, (2) which do not appear to be reasonably calculated to lead to the discovery of admissible evidence.
2. As used herein, “unduly burdensome” means that the document request requires a search for documents which are of little or no benefit to this action in that the value of their production is far outweighed by the burden of producing them, especially where the defendant can obtain the information or documents from other sources.
3. As used herein “overbroad” means that the document request requires production, at least in part, of information and/or documents, which are irrelevant to the instant litigation in subject matter or time period or both.
4. As used herein “vague” means that these answering Defendant are unable to ascertain with certainty what information or document is being requested.

RESPONSES AND OBJECTIONS

Document Request No. 1:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

Jose Manual Henriquez (See Exhibit “1(A)” annexed hereto)

Jose Hector Fuentes (See Exhibit “1(B)” annexed hereto)

Emiliano Reyes (See Exhibit “1(C)” annexed hereto)

Rubin Rivera (See Exhibit “1(D)” annexed hereto)

Document Request No. 2:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein:

See Response to Document Request No.1 above.

Document Request No. 3:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 above.

Document Request No. 4:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 above.

Document Request No. 5:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 6:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 7:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Exhibit # 2 annexed hereto.

Document Request No. 8:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Exhibit # 3 annexed hereto.

Document Request No. 9:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 8.

Document Request No. 10:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Exhibit # 4 annexed hereto.

Document Request No. 11:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 10.

Document Request No. 12:

Defendant objects to this document request on the grounds that the document is a public document available to the plaintiff and at their cost upon request. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Exhibit # 5 annexed hereto.

Document Request No. 13:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation and the document, if any, is a public document available to the plaintiff and at their cost upon request

Document Request No. 14:

Defendant objects to this document request on the grounds that the document is a public document available to the plaintiff and at their cost upon request. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Exhibit # 6 annexed hereto.

Document Request No. 15:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation and the document, if any, is a public document available to the plaintiff and at their cost upon request.

Document Request No. 16:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information.

Document Request No. 17:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation.

Document Request No. 18:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information.

Document Request No. 19:

Defendant objects to this document request on the grounds that said defendant has not

appeared in this action and these answering defendants do not possess said documentation.

Document Request No. 20:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

Document Request No. 21:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation

Document Request No. 22:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information.

Document Request No. 23:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation.

Document Request No. 24:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 above.

Document Request No. 25:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 26:

Defendant objects to this document request on the grounds that it is vague, overbroad

and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 27:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 28:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 2.

Document Request No. 29:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 and 2.

Document Request No. 30:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 and 2.

Document Request No. 31:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1 and 2.

Document Request No. 32:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 4.

Document Request No. 33:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 4.

Document Request No. 34:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 35:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 36:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation.

Document Request No. 37:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 38:

Defendant objects to this document request on the grounds that said defendant has not appeared in this action and these answering defendants do not possess said documentation.

Document Request No. 39:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights

Document Request No. 40:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 41:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 42:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 43:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 44:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 45:

Defendant objects to this document request on the grounds that it is vague, overbroad

and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 46:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 47:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, these defendants refer plaintiff to the documents herein.

See Exhibit # 7 annexed hereto.

Document Request No. 48:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 49:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 2.

Document Request No. 50:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 51:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and

documents. Finally, the information and documentation violates employees privacy rights

Document Request No. 52:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 53:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 54:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 55:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 2.

Document Request No. 56:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 57:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 58:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiff, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 59:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 60:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 61:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 62:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 63:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 64:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 65:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 66:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights

Document Request No. 67:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiff, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 68:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 69:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 70:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 71:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 72:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 73:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 74:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 75:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein.

Document Request No. 76:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and

documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 77:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the information and documentation violates employees privacy rights.

Document Request No. 78:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not possess the documents requested herein except for those statements set forth in exhibit # 8.

Document Request No. 79:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 80:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, these defendants refer plaintiff to the documents herein.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Document Request No. 81:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 82:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 83:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiff, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 84:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, as to plaintiff, these answering defendants refer plaintiff to the documents provided herein.

See Response to Document Request No. 1.

Document Request No. 85:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 86:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Subject to and without waiving the foregoing specific and general objections, defendants do not possess the documents requested herein.

Document Request No. 87:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, as to documents which oppose plaintiff's claims for unpaid overtime wages, these defendants refer plaintiff to the documents herein.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Document Request No. 88:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of documentation subject to

further discovery and is premature. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, these defendants refer plaintiff to the documents herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Document Request No. 89:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, as to documents which oppose plaintiff's claims for unpaid overtime wages, these defendants refer plaintiff to the documents herein.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Document Request No. 90:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein except for those statements set forth in exhibit # 8. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 91:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 92:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 93:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 94:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents and other information requested herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 95:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents and other information requested herein.

Document Request No. 96:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein except for those statements set forth in exhibit # 8. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 97:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of irrelevant information and documents. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, as to documents which oppose plaintiff's claims for unpaid overtime wages, these defendants refer plaintiff to the documents herein.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Document Request No. 98:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, said documents are subject to attorney client privilege and work product. Subject to and without waiving the foregoing specific and general objections, as to plaintiffs, defendants do not currently possess the documents requested herein except for those statements set forth in exhibit # 8. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

Document Request No. 99:

Defendant objects to this document request on the grounds that it is vague, overbroad and unduly burdensome. Moreover, it seeks discovery of documentation subject to further discovery and is premature. Finally, the documentation requested contains privileged information. Subject to and without waiving the foregoing specific and general objections, these defendants refer plaintiff to the documents herein. This response like all others herein are subject to amendment and supplementation up through and including the time of trial.

See Exhibit # 1, 2, 3, 4, 5, 6 and 7 annexed hereto.

Dated: Great Neck, New York
August 16, 2013

HANKIN & MAZEL, P.L.L.C.
Attorneys for Defendants
KELCO LANDSCAPING, INC.
ELM GENERAL CONSTRUCTION CORP.
JOHN KELLY
JOSEPH PROVENZANO

BY: _____

Mark L. Hankin, Esq.

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TO:

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